

July 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0159

STATE OF MONTANA,

Plaintiff and Appellee,

v.

STEVEN JOESPH WILMER,

Defendant and Appellant.

FILED

JUL 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Ethan C. Lerman, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until September 1, 2010 in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. Opposing counsel has been contacted concerning this motion and does not object. In support of this motion, undersigned counsel respectfully submits the following affidavit.

DATED: this 28th day of July, 2010.

RESPECTFULLY SUBMITTED,

By: 

Ethan C. Lerman

Lerman Law Firm, PLLC


PO Box 9231

Missoula, MT 59807

STATE OF MONTANA)
 : ss.
COUNTY OF MISSOULA)

I, Ethan C. Lerman, being first duly sworn upon my oath, depose and state as follows:

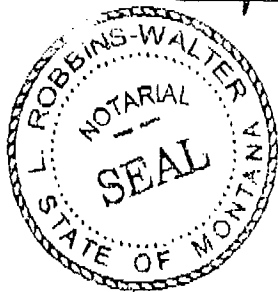
1. I am a licensed, practicing attorney in the State of Montana.
2. In my capacity as an attorney, I have been hired to handle the above-entitled matter.
3. The Appellant's brief was first due on July 1, 2010. The brief is presently due on August 1, 2010.
4. I would like additional time to research one or more issues.
5. I would also like the additional time to review this brief with my client prior to filing so that he fully understands its contents and the process.
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.



Ethan C. Lerman, Esq.
Attorney for Appellant

SUBSCRIBED AND SWORN to before me this 28th day of

July, 2010.



L. Robbins-Walter, Notary Public for the State
of Montana
Printed Name: L. Robbins-Walter
Residing at: Missoula, MT
Commission expires: 04-01-2012

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

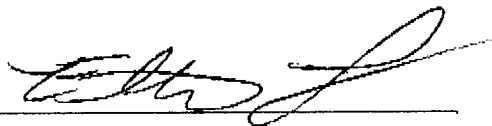
Motion for Extension of Time to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

M. SHAUN DONOVAN
Mineral County Attorney
PO Box 339
Superior, MT 59872

STEVEN WILMER
14 Miller Lane
Superior, MT 59872

DATED: July 28, 2010



ETHAN C. LERMAN
ATTORNEY & COUNSELOR AT LAW

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ETHAN C. LERMAN, ESQ. (DC; MT; NY)

FACSMILE COVER SHEET

TO: Ed Smith, Clerk of Court, Montana Supreme Court
406-444-5705

FROM: Ethan C. Lerman; Lerman Law Firm, PLLC
406-541-4055

DATE: July 28, 2010

Pages: 86

RE: STEVEN WILMER.
DA-10-0159
Motion for Extension of Time & Affidavit/ Order

******time sensitive******